IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14681 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SUMANBEN WIFE OF KIRITKUMAR NATVARLAL CHOKSHI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 14681 of 2003

MS SHRADDHA TRIVEDI for Petitioner No. 1

MR DN PATEL for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 15/10/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned

advocate Shri N.J. Shah appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. The learned advocate for the petitioner has submitted that the petitioner would like to have her passport but the apprehension of the petitioner is that she might not be issued the passport because there is some discrepancy in the date of birth shown in her two documents, namely, the school leaving certificate and the birth certificate. Her school leaving certificate shows that the petitioner was born on 31.7.1950 whereas the birth certificate shows that she was born on 1.8.1950.

3. In the circumstances, the petitioner wants her correct date of birth i.e. 1.8.1950 to be recorded in the passport, which might be issued to her.

4. In pursuance of notice issued by this Court, learned advocate Shri N.J. Shah has appeared and has submitted that if the petitioner submits an application for passport alongwith all relevant details and documents, the respondent authority shall look into the same and shall examine them and take appropriate decision in accordance with law.

5. Looking to the facts of the case, the petitioner is directed to submit an application to the respondent authority with relevant documents and evidence to show that the petitioner was in fact born on 1.8.1950. If the authority is satisfied that the correct date of birth of the petitioner is 1.8.1950, I am sure that the authority shall issue a new passport recording correct date of birth.

6. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute to the above extent. D.S. permitted.

(A.R. Dave, J.)

(hn)